

REMARKS

Please reconsider this application in view of the following remarks and the accompanying Declaration under 37 C.F.R. § 1.131. Applicant thanks the Examiner for carefully considering this application.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,597,476 ("Hearn") in view of U.S. Patent Application Publication No. 2003/0136706 ("McDaniel"). McDaniel was cited as prior art under 35 U.S.C. § 102(e), having an effective prior art date of October 25, 2001.

A Declaration under 37 C.F.R. § 1.131 and related evidence accompanies this response, establishing at least 1) conception of the present invention prior to the effective date of McDaniel, 2) due diligence from prior to conception to a reduction to practice or filing of the application, and 3) that the acts of conception and reduction to practice occurred in the United States.

As stated in MPEP 715.02(I), Applicant may overcome a 35 U.S.C. § 103 rejection based upon a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references. As demonstrated by the draft application dated October 10, 2001 accompanying the Declaration, Applicant was in possession of either the whole invention, as claimed in claim 13, or something falling within claim 13, prior to the effective date of the reference being antedated (*see, inter alia*, Draft Specification, page 4, line 32 to page 5 line 2: "A mid cut sidedraw of a thiophenes cut is taken from the first distillation column reactor which may be passed directly to a polishing reactor..."). Thus, the

Declaration is sufficient to overcome a rejection under 35 U.S.C. § 103(a) based on the combined teachings of Hearn and McDaniel.


Additionally, it is noted that the accompanying Declaration under 37 C.F.R. § 1.131 is seasonably presented. Declarations under 37 C.F. R. § 1.131 are considered timely if submitted with a request for continued examination under 37 C.F. R. § 1.114. MPEP 715.09.

As described above, a timely Declaration and evidence are submitted herewith, showing conception, due diligence, and reduction to practice at least as early as October 10, 2001, thus antedating the McDaniel reference. Accordingly, allowance of claim 13 is respectfully requested.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17344/122002).

Dated: December 31, 2007

Respectfully submitted,

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Attachments